

FILED
MAY 14 2010
PATRICK E. DUFFY, CLERK
BY DEPUTY CLERK M. KEDDIE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

GEORGE SULLIVAN,)	CV 10-29-M-DWM-JCL
)	
Plaintiff,)	
v.)	ORDER
)	
DEPARTMENT OF VETERANS)	
AFFAIRS, et al.,)	
)	
Defendants.)	
)	

Plaintiff George Sullivan filed a complaint challenging the United States Department of Veterans Affairs' ("VA") denial of his veteran's benefits. United States Magistrate Judge Lynch entered Findings and Recommendation in this

matter on April 5, 2010. Judge Lynch recommended dismissing Sullivan's Complaint for a lack of jurisdiction. Sullivan timely objected on April 14, 2010. Therefore, Sullivan is entitled to de novo review of those portions of the Findings and Recommendation to which he objected. 28 U.S.C. § 636(b)(1). The portions of the Findings and Recommendation not specifically objected to will be reviewed for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

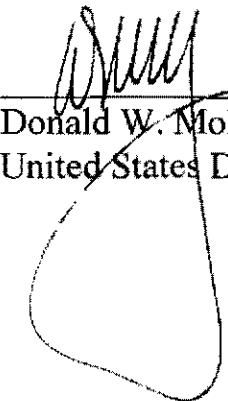
Sullivan objects that this Court has jurisdiction to hear his case because "[a] few years ago or so there was a law that was passed that allows the Veterans and/or their families to take [the VA] to Federal District Court closest to the Veteran." (Dkt #6.) The Court is unaware of such a law. Nevertheless, the relevant statutes are clear: judicial review of benefit determinations made by the VA lies in the Court of Appeals for the Federal Circuit. 38 U.S.C. § 511(a); 38 U.S.C. § 7292(c). Accordingly, this Court lacks subject matter jurisdiction over Sullivan's action.

I find no clear error in Judge Lynch's remaining findings and recommendation.

Accordingly, IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation (dkt #5) are adopted in full. The Complaint is DISMISSED.

IT IS FURTHER ORDERED that the Clerk of Court shall CLOSE this case.

DATED this 14th day of May, 2010.


Donald W. Molloy, District Judge
United States District Court